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## TRANSMITTAL **FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

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|---|---|--|
| Application Number                      | 10/777,455  |  |
| Filing Date                             | February 11, 2004   |  |
| First Named Inventor                    | Lewis   |  |
| Art Unit                                | 1623  |  |
| Examiner Name                           | Peselev   |  |
| Attorney Docket Number                  | 892.280-603 (formerly 342312004920                                |  |

| ENCLOSURES (Check all that apply)   |                                 |  |          |   |  |
|---|---------------------------------|--|----------|---|--|
| Fee Transmittal For   | T                               | Drawing(s)   |          | After Allowance Communication to TC                                       |  |
| Fee Attached  |                                 | Licensing-related Papers                                       |          | Appeal Communication to Board of Appeals and Interferences                |  |
| Amendment/Reply   | [                               | Petition   |          | Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)            |  |
| After Final   |                                 | Petition to Convert to a Provisional Application               |          | Proprietary Information   |  |
| Affidavits/dec  | claration(s)                    | Power of Attorney, Revocation Change of Correspondence Address |          | Status Letter   |  |
| Extension of Time F   | Request                         | Terminal Disclaimer  |          | Other Enclosure(s) (please Identify below): receipt verification postcard |  |
| Express Abandonm  | nent Request                    | Request for Refund   |          | receipt verification postcard   |  |
| Information Disclos   | ure Statement                   | CD, Number of CD(s)<br>Landscape Table on CD                   |          |   |  |
| Certified Copy of Priority Document(s)  Remarks   |                                 |  | <u> </u> |   |  |
| Response to Missing Parts/ Incomplete Application   |                                 |  |          |   |  |
| Response to under 37 CFR  | o Missing Parts<br>1.52 or 1.53 |  |          |   |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  |                                 |  |          |   |  |
| Firm Name O'Melveny & Myers LLP   |                                 |  |          |   |  |
| Signature Dian K. WY  |                                 |  |          |   |  |
| Printed name Diane K. Wong  |                                 |  |          |   |  |
| Date July 2   | 29,2005                         | F  | Reg. No. | 54,550  |  |
| CERTIFICATE OF TRANSMISSION/MAILING   |                                 |  |          |   |  |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                                 |  |          |   |  |
| Signature Cynothia Blackeco   |                                 |  |          |   |  |
| Typed or printed name Cynthia B. Pacheco  |                                 |  |          | Date July <b>29</b> , 2005  |  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## O'MELVENY & MYERS LLP

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July 29, 2005

OUR FILE NUMBER 892,280-603

**NEW YORK** 

SHANGHAI

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WRITER'S E-MAIL ADDRESS dkwong@omm.com

Re:

VICURON PHARMACEUTICALS INC.

U.S. Application Serial No. 10/777,455

For: LINCOMYCIN DERIVATIVES POSSESSING

ANTIBACTERIAL ACTIVITY

Our Reference: 892,280-603 (formerly 34231-20049.20)

Dear Mike:

Enclosed for your files is a copy of the Amendment and Response, including a Terminal Disclaimer, as filed with the PTO today for the above-referenced application. We will keep you updated as matters progress. Please do not hesitate to contact me if you have any questions.

Sincerely,

Dan Kun

Diane K. Wong for O'MELVENY & MYERS LLP

DKW:cp **Enclosures** 

Rich Ciamacca, Esq. (via e-mail, w/encls.) cc: